

make such amendments as may be necessary to bring their case within the provisions of the Act to direct descents, and such other amendments as they may be advised.]

WM. M. ADDISON, for Complainants.

Z. COLLINS LEE, for Defendants.

JONATHAN McVEY AND WIFE,  
vs.  
WILLIAM BOGGS AND OTHERS.

MARCH TERM, 1852.

[WIFE'S EQUITY TO HER PERSONAL ESTATE.]

WHERE the aid of a Court of Equity is necessary to enable the husband to obtain possession of the wife's personal estate, he must do what is equitable, by making a suitable provision out of it for her maintenance and that of her children.

This principle applies to the assignee, for value, of the husband, to the case of transfers by operation of law, or by the act of the husband, to general assignees for the benefit of creditors.

The amount of the provision to be made to the wife in every case must be governed by its peculiar circumstances, and, according to those circumstances, the Court may give to her the whole or only a part of the property.

In this case, the husband, though living with the wife, ~~was~~ bankrupt; they were destitute, having no property, except the wife's share of the proceeds in this cause, amounting to \$919 06, and had a large number of children, most of them very young and helpless, to support. The Chancellor decreed the *whole* sum to be settled upon the wife.

[The real estate of Thomas Taylor, deceased, was sold, under the decree in this case, for the purpose of distribution among his children, his heirs at law, one of whom was Frances McVey, the wife of Jonathan McVey. After the statement of the account by the Auditor, awarding the sum of \$919 06, of the proceeds of the sale, to the said Jonathan, in right of his wife; the latter, by a next friend, filed her petition, alleging that she was poor, and has six children, the most of whom are very